STATE OF NEW YORK

S. 8116--A

A. 9612--A
R. R. 519

SENATE—ASSEMBLY

March 6, 1984

IN SENATE -- Introduced by Sen. MARKOWITZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. PROUD -- Multi-Sponsored by -- M. of A. COOKE, GRANNIS -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the penal law, in relation to offenses relating to the exposure of a person in certain instances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 245.01 of the penal law, as added by chapter two hundred sixteen of the laws of nineteen hundred eighty-three, is amended to read as follows:

§ 245.01 Exposure of a person.

A person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to *the breastfeeding of infants or to* any person entertaining or performing in a play, exhibition, show or entertainment.

Exposure of a person is a violation.

Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting exposure of a person as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.

§ 2. Section 245.02 of such law, as added by chapter two hundred sixteen of the laws of nineteen hundred eighty-three, is amended to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD12064-03-4

§ 245.02 Promoting the exposure of a person.

A person is guilty of promoting the exposure of a person when he knowingly conducts, maintains, owns, manages, operates or furnishes any public premise or place where a person in a public place appears in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breastfeeding of infants or to any person entertaining or performing in a play, exhibition, show or entertainment.

Promoting the exposure of a person is a violation.

Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting the exposure of a person substantially as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.